



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/482,023	01/13/2000	Devendra T. Barot		6462
23505	7590	08/24/2004	EXAMINER	
CONLEY ROSE, P.C. P. O. BOX 3267 HOUSTON, TX 77253-3267			ART UNIT	PAPER NUMBER

DATE MAILED: 08/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

Address : COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
---------------------------------	-------------	---	---------------------

09/482,023

1/13/00

Barot

EXAMINER

Ridley

ART UNIT

PAPER

1764

081804

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

1. The reply filed on 27 May 2004 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): the appeal brief includes claims 37-40, which are not twice or finally rejected. Appeal with respect to said claims 37-40 is not timely. See 37 CFR 1.111.

Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

2. If applicant cancels said claims 37-40 and requests that the brief filed on 27 May 2004 be reinstated said brief will be held non-compliant for at least the reasons as set forth below.

The concise statement of the issues presented for review as required by 37 CFR 1.192(c)(6) in the brief is not correct because said statement does not list the rejection of claims 31, 32 and 35 under 35 U.S.C. 103(a) as being unpatentable over Admitted Prior Art in view of Takada et al. and further in view of Haneda et al.

The brief does not contain, for each rejection under 35 U.S.C. 103, an argument which specifies the errors in the rejection and, if appropriate, the specific limitations in the rejected claims which are not described in the prior art relied upon in the rejection, and an explanation how such limitations render the claimed subject matter unobvious over the prior art. If the rejection is based upon a combination of references, the argument must explain why the references, taken as a whole do not suggest the claimed subject matter, and shall include, as may be appropriate, an explanation of why features disclosed in one reference may not be properly combined with features disclosed in another reference. A general argument that all the limitations are not described in a single reference does not satisfy the requirements of 37 CFR 1.192(c)(8)(iv).

The statement of the status of all the claims, pending or canceled, and identifying the claims appealed as required by 37 CFR 1.192(c)(3) in the brief is not correct, because it identifies claims 37-40 as being presently under appeal, while said claims are not under second or final rejection. Appeal with respect to said claims 37-40 is not timely.

Appellant's brief includes a statement that claims 10, 15, 17-20, 31, 32, 34 and 35 stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8). The applicant has selected claim 10 from the group and presented arguments regarding the grounds of rejection on the basis of that claim alone. The examiner notes that claim 10 does not properly represent the group, because claim 34 appears to be broader than claim 10.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Basia Ridley, whose telephone number is (571) 272-1453.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Caldarola, can be reached on (571) 272-1444.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Technical Center 1700 General Information Telephone No. is (571) 272-1700. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Questions on access to the Private PAIR system should be directed to the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

BR 

August 18, 2004


JERRY D. JOHNSON
PRIMARY EXAMINER
GROUP 1100